

ARIZONA DEPARTMENT OF PUBLIC SAFETY

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August 17, 1998

41885

Docket Clerk, US Dockets
Room PL-401
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DEPT. OF TRANSPORTATION
DOCKET SECTION
98 AUG 26 PM 12:34

Re: Docket FHWA-98-3414³, Out-of-Service Criteria

The following is the Arizona Department of Public Safety's response to the above docket.

As an enforcement agency, DPS views the out-of-service criteria as a critical part of the overall motor carrier safety program. It is a guideline to assist officers in the state's Unsafe Vehicle statute.

This docket poses three main questions that we address below:

1. Should the criteria be included in the Federal Motor Carrier Safety Regulations?

No. The criteria is a dynamic document in that it needs to be adjusted as new technologies emerge and as additional information becomes available. Including the criteria in the FMCSRs disallows speedy adoption of modifications.

Adoption would promote national uniformity, which is certainly a desirable end. But the loss of flexibility in making speedy adoptions is too powerful a drawback to ignore.

2. Who should establish the Out-of-Service Criteria?

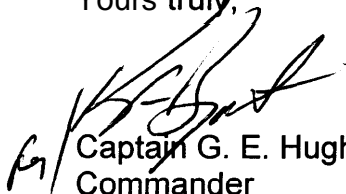
CVSA should continue to establish the criteria. This organization is most mindful of all aspect of motor carrier safety and allows all interested parties to have a voice in the development of the criteria. Inherent in the organization's make up is the diversity of ideas from industry and enforcement which is critical in developing a policy that encourages safety and has a 'buy in' from industry.

3. Should adoption be tied to MCSAP Funding?

No. MCSAP has gradually become the 'hammer' with which FHWA imposes its views on States. Rather than promote commonality of spirit and goals, this smacks of 'federalism' as noted in the docket. FHWA should encourage the adoption of the criteria and should also encourage participation in CVSA, thereby assuring that everyone's interests are considered when the criteria are established.

If you have questions about the above comments, please call me at 602-223-2353 or Ursula Miller at 602-223-2413.

Yours truly,

A handwritten signature in black ink, appearing to read "G. E. Hughes", is written over the typed name.

Captain G. E. Hughes
Commander

Special Services Region, Highway Patrol